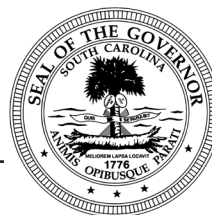


STATE OF SOUTH CAROLINA | OFFICE OF THE GOVERNOR

Crime Victims' Ombudsman (CVO) Annual Report



GOVERNOR MARK SANFORD



FISCAL YEAR 2005-2006

OFFICE OF THE GOVERNOR CRIME VICTIMS' OMBUDSMAN

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S.C. Code Section 16-3-1600 thru 16-3-1670
(Crime Victims' Ombudsman, Office of the Governor)



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

OFFICE OF EXECUTIVE
POLICY AND PROGRAMS

April 20, 2007

TO MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY, UNITS OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, VICTIM ASSISTANCE PROGRAMS, AND INTERESTED PARTIES:

In accordance with law, we are pleased to transmit the FY 2005-06 Crime Victims' Ombudsman (CVO) Annual Report to the legislature, relevant institutional systems and the general public. This report summarizes the purposes and activities of the CVO for the previous fiscal year.

The South Carolina Constitution and accompanying statutory provisions of law provide for victims' rights to justice and due process. The CVO, established under the Office of the Governor, plays a vital role in ensuring that the rights of the victim are protected to the fullest extent.

The Ombudsman provides victims with referrals to assistance programs, and acts as a liaison between victim and the justice system. She also reviews and attempts to resolve complaints of victims when necessary. All of these ombudsman's services are critical to those victims who have suffered direct physical, emotional, or financial harm as a result of a crime.

As governor, I believe that the rights of victims are of the utmost importance and acknowledge the dedication and hard work of the Crime Victims' Ombudsman and her staff. They are there to ensure that the rights of victims will be upheld and that crime victims are served justly, equitably, and fairly by the elements of the criminal and juvenile justice systems.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", written over a horizontal line.

Mark Sanford
Governor

A MESSAGE FROM THE CRIME VICTIMS' OMBUDSMAN


April 20, 2007

As you review this year's annual report, you will notice some changes in the layout. Our goal in making these changes was to provide a more cogent and reader-friendly report of the statistics for the fiscal year 05-06.

The Crime Victims' Ombudsman's (CVO) goal is to serve crime victims in a timely and accurate fashion. You will notice that more cases were resolved at the "assist" level rather than becoming a formal case because of review of these "assist" complaints were deemed appropriate and necessary to act as a liaison between the elements of the criminal and juvenile justice systems, victims assistance programs, and victims when the need for liaison services was recognized by the ombudsman. However, the number of formal cases dropped because of "assist" resolution, but resulted in an array of actions, including disciplinary response on the part of the agency against whom the complaint was filed, procedural changes as deemed necessary, and even agency-wide policy change where needed.

As ombudsman, I look forward to continuing my duties to assist crime victims of this state. If I or my office can be of any assistance to you, please do not hesitate to contact us with any questions and/or concerns.

Sincerely,



M. Hope Blackley
Crime Victims' Ombudsman
1205 Pendleton Street
Columbia, South Carolina 29201
(803) 734-0357



Mission Statement

The mission of the Office of the Crime Victims' Ombudsman (CVO) is to be an impartial third party who ensures that all crime victims are served justly, equitably and fairly by South Carolina's criminal justice organizations.

Purpose

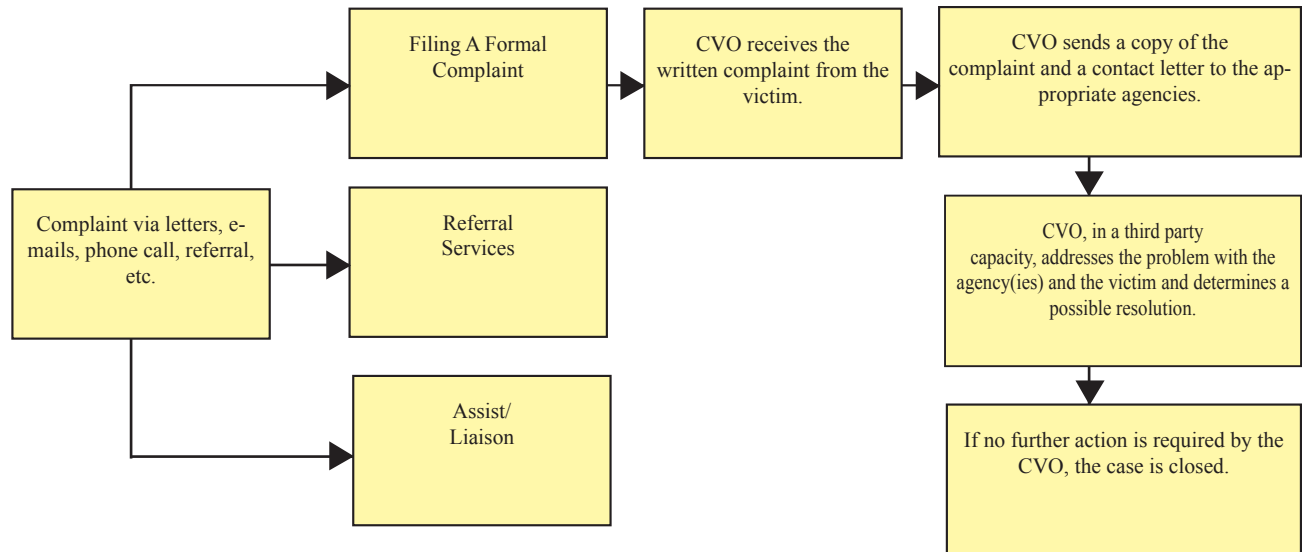
The CVO's primary responsibility is to receive and to respond to complaints filed by victims of crime. These complaints may be verbal or in writing and the CVO, as mandated by law, responds to each complaint in one of three ways:

- 1) **Referral(s)**
refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both when services are requested by crime victims or necessary as determined by the ombudsman;
- 2) **Assist/Liaison**
act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and victims when the need for liaison services is recognized by the ombudsman; and
- 3) **Formal**
review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both made to the ombudsman by victims of criminal activity within the state's jurisdiction.

Most questions and concerns from victims of crime are easily remedied using the first and second method. Verbal communication and discussion among the CVO, the subject of the complaint and the crime victim usually results in a much quicker resolution. However, should the victim require a formal inquiry, the victim must file a written, signed complaint. By choosing this option, the CVO then has the authority to initiate an inquiry. The CVO forwards a copy of the complaint to the subject of the complaint and requests their assistance in providing information about the concerns listed in the complaint by the crime victim. Once the CVO has gathered all the necessary information from both sides of the complaint, the CVO issues a report verbally or in writing to both parties as to the disposition and recommendations of the CVO. The CVO then requests a final report (verbal or written) from the subject of the complaint as to any actions they have taken regarding the recommendations by the CVO.

General Overview

How Complaints are Handled in the CVO



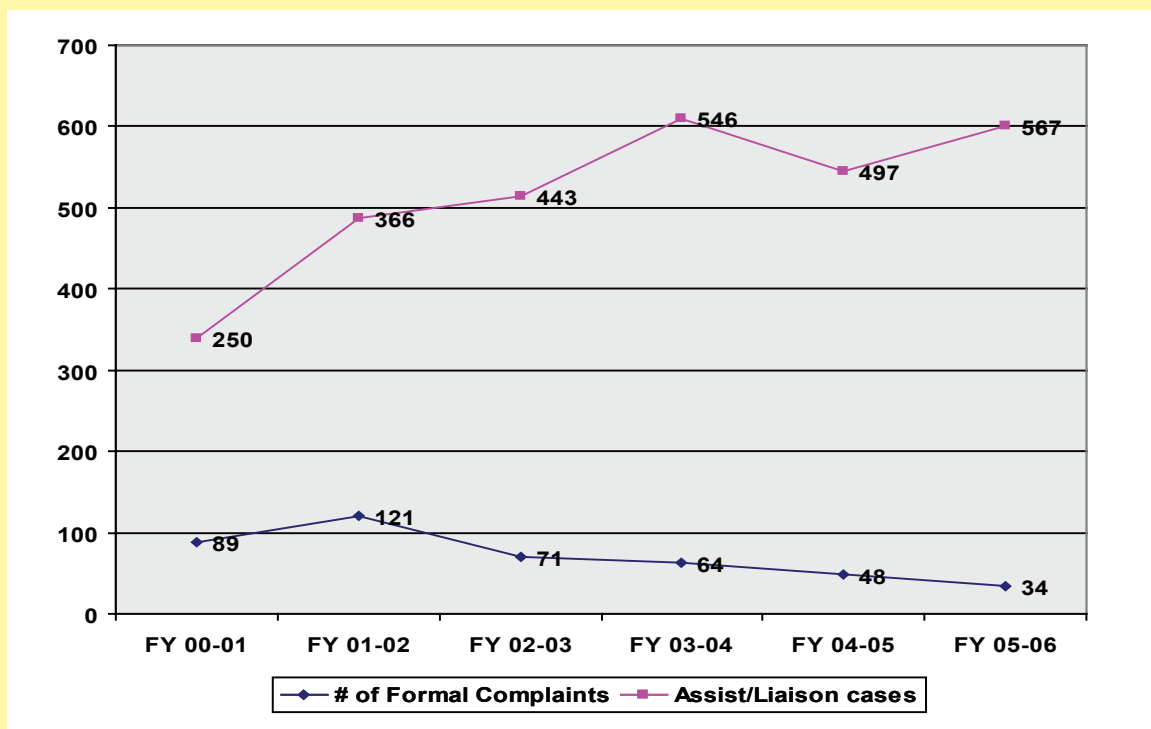
Although the majority of the work handled by the CVO is complaint resolution, the CVO is also a valuable educational resource for criminal and juvenile justice organizations.

It is apparent, as all members of the criminal and juvenile justice system continue to work within this constitutional framework, that training in the area of compliance is crucial to ensuring the scales of justice are balanced. As such, it becomes more incumbent upon the CVO to provide informational training to various agencies including but not limited to South Carolina Department of Probation, Parole and Pardon Services (SCDPPP) Victim Service Coordinators, Law Enforcement Victim Advocates (LEVA), Solicitor Advocates, State Office of Victim Assistance (SOVA), and Parents of Murdered Children (POMC). The CVO presented other educational opportunities to constituents across the state for the FY 05-06. These included presentations at the Park Hills Elementary School career fair day, the Parents of Murdered Children seminar entitled: Sibling Grief, SOVA's Enhancing Services: Making a Difference, and the 1st Annual South Carolina Crime Victims' Unity Ceremony in recognition of National Crime Victims' Rights Week in conjunction with SOVA.



CVO fielded 1962 incoming phone calls for FY 05-06

FY 04-05	1799
FY 03-04	1841
FY 02-03	1774
FY 01-02	2354



In FY 05-06, the CVO assisted and referred 567 of the incoming phone calls.

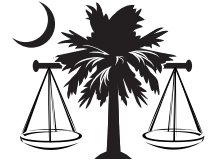
FY 04-05	497
FY 03-04	546
FY 02-03	443
FY 01-02	366

In FY 05-06, the CVO handled 34 formal complaints. Of the 34 cases opened, 30 of them were closed within the same fiscal year. In addition, 11 cases from prior year were closed in FY 05-06.

The CVO's goal is to serve crime victims in the most efficient manner. Therefore, more cases were handled at the "assist" level rather than becoming formal complaints.

FY 04-05	48 cases opened, 37 closed, 12 cases from prior FY were closed in FY 04-05
FY 03-04	64 cases opened, 54 closed, 18 cases from prior FY were closed in FY 03-04
FY 02-03	71 cases opened, 51 closed, 26 cases from prior FY were closed in FY 02-03
FY 01-02	121 cases opened, 96 closed, 11 cases from prior FY were closed in FY 01-02

Formal Complaint Resolutions



The number of complaints per fiscal year is almost always more than the number of cases opened by the CVO because a victim(s) may have several complaints for the same situation and only one case is opened by the CVO. For example, a victim may have a complaint about not having been notified by a magistrate about a bond hearing and depending on the outcome of the bond hearing the victim may also complain about not having been notified by the jail about the defendant's release. One case would be opened but with two complaints against two separate agencies.

The following is an explanation of the terms used by the CVO to make a final determination as to the outcome of a case along with the number and percent of each resolution.

FY 05-06			
	Number	Percent	Resolution Explanations
Founded	13	25%	The reported acts or part of the reported acts occurred.
Unfounded	31	61%	The acts did not occur or the acts did occur but were within the scope of authority for that individual, agency or entity.
Not Justified	7	14%	There was insufficient evidence to prove or disprove the reported acts occurred.
Dismissed	0	0%	The case was withdrawn due to lack of victim participation.

Types of Complaints FY 05-06

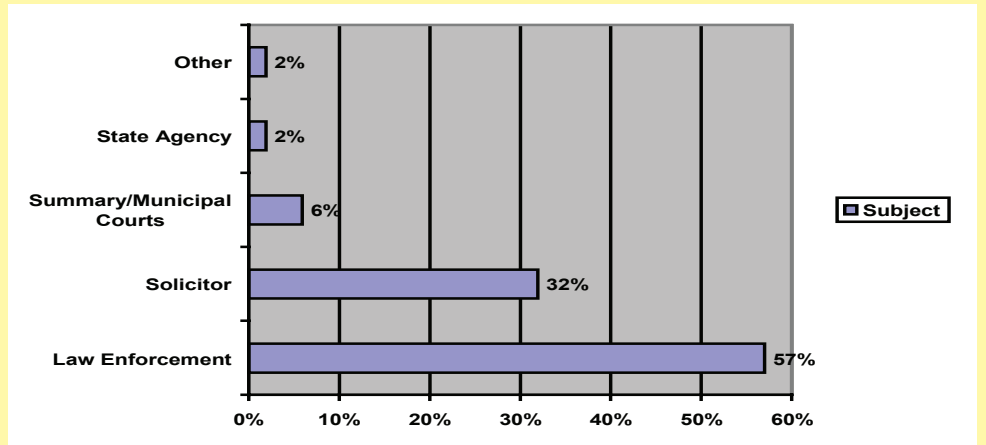
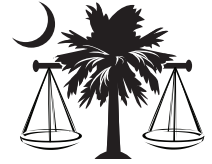


	Number	Percent	Type	Examples
1.	22	39%	Not satisfied with or lack of law enforcement services:	Refusal to serve an authorized warrant. No investigative follow-ups. Non pursuit of warrant despite probable cause. Insufficient investigation. Other.
2.	11	19%	Not satisfied with or lack of prosecution:	Victim unhappy with prosecution decision as to disposition of case. Victim perceives conspiracy between prosecution and other members of the criminal justice system. Other.
3.	7	12%	Lack of Notification:	Not notified of an arrest of suspect(s). Not notified of a bond hearing. Not notified of a bond reduction hearing. Not notified of a release from jail. Not notified of a guilty plea. Not notified of a post-conviction hearing. Not notified of the dismissal of a case. Other.
4.	7	12%	Not treated with dignity & respect:	Use of "colorful" language when speaking with a victim. No return phone calls (applies to any entity). Victim(s) felt service provider was "rude". Services provider "yelled at" victim(s). Other.
5.	4	7%	Not satisfied with or lack of victim services (general):	Victim advocate(s) would not return phone calls. Victim advocate(s) did not assist/guide victim(s) through the criminal justice system. No accessible victim advocate(s) or victim assistance program to answer questions or assist victim(s). Other.
6.	3	5%	Not satisfied with Summary Court decisions:	Summary Court judge would not issue warrant. Summary Court allowed issue of retaliatory warrants. Other.
7.	2	4%	Lack of or no case status update:	Victim(s) was not kept abreast of significant developments in the case. Victim(s) heard from agency (ies) one time and never heard from them again. Other.
8.	1	2%	Not satisfied other:	Not satisfied with any other aspect of case not included above.

Total Types of Complaints 57

Cases per Subjects of Complaints

FY 05-06



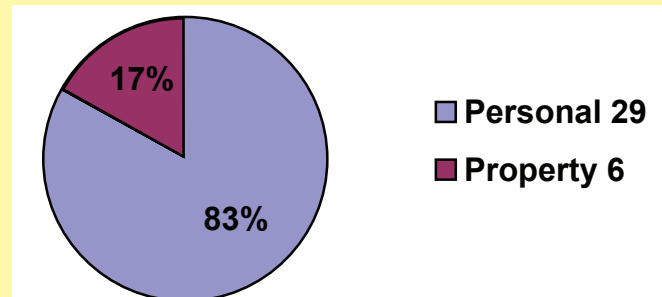
Total Subjects 47

Number	Percent	Subject	Includes
27	57%	Law Enforcement:	All Sheriff's Departments All City and Town Police Departments All Campus Public Safety/Police Departments
15	32%	Solicitor:	All Solicitors and their staff
3	6%	Summary/Municipal Courts:	All Magistrate and Municipal Judges, their clerks and staff
1	2%	State Agency:	Any state agency mandated by law to provide victim services, i.e. Attorney General's Office, Department of Corrections (DOC), Probation, Parole and Pardon Services (DPPPS), Department of Public Safety (DPS), State Office of Victim Assistance (SOVA), Department of Juvenile Justice (DJJ), & Juvenile Parole Board
1	2%	Other:	All non-profit agencies that provide victim services; detention centers

Please note that one case can include complaints against multiple agencies. Thus the number of complaints subjects can, and usually will, exceed the total number of cases during any given time period.

Personal v. Property Crimes FY 05-06

Number	Percent
Personal 29	83%
Property 6	17%
Total 35	





Reported Crimes Types | FY 05-06

Personal Crimes

Felony DUI (Death)	2
Traffic Offense (Death)	2
Robbery	1
CSC w/minor	2
CSC	5
Murder	5
Attempted Murder	1
Reckless Homicide	1
ABIK	1
ABHAN	3
AB	3
CDVHAN	2
Harassment	1
Unlawful Use of Telephone	1

Property Crimes

Arson	1
Forgery	1
Stolen Vehicle	1
Breach of Trust	1
Burglary	1
Larceny	1

Complaint Cases by Judicial Circuit

Total Circuits Complaint Cases- 34

	Number	Percent
1st Circuit (Dorchester, Calhoun & Orangeburg)	3	9%
2nd Circuit (Aiken, Bamberg & Barnwell)	2	6%
3rd Circuit (Sumter, Lee, Clarendon & Williamsburg)	1	3%
4th Circuit (Darlington, Marlboro, Dillon & Chesterfield)	4	12%
5th Circuit (Richland & Kershaw)	4	12%
6th Circuit (Fairfield, Chester & Lancaster)	3	9%
7th Circuit (Spartanburg & Cherokee)	1	3%
8th Circuit (Greenwood, Laurens, Newberry & Abbeville)	2	6%
9th Circuit (Charleston & Berkeley)	1	3%
10th Circuit (Anderson & Oconee)	2	6%
11th Circuit (Lexington, Saluda, Edgefield & McCormick)	1	3%
12th Circuit (Florence & Marion)	1	3%
13th Circuit (Greenville & Pickens)	3	9%
14th Circuit (Hampton, Colleton, Beaufort, Allendale & Jasper)	2	6%
15th Circuit (Horry & Georgetown)	3	9%
16th Circuit (York & Union)	1	3%

**S.C. Code of Laws
Title 16, Chapter 3,
Offenses Against The Person**



ARTICLE 16.

CRIME VICTIMS' OMBUDSMAN OF THE OFFICE OF THE GOVERNOR

SECTION 16-3-1610. Definitions. [SC ST SEC 16-3-1610]

As used in this article:

- (1) "Criminal and juvenile justice system" means circuit solicitors and members of their staffs; the Attorney General and his staff; law enforcement agencies and officers; adult and juvenile probation, parole, and correctional agencies and officers; officials responsible for victims' compensation and other services which benefit victims of crime, and state, county, and municipal victim advocacy and victim assistance personnel.
- (2) "Victim assistance program" means an entity, whether governmental, corporate, nonprofit, partnership, or individual, which provides, is required by law to provide, or claims to provide services or assistance, or both to victims on an ongoing basis.
- (3) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor.

SECTION 16-3-1620. Crime Victims' Ombudsman of the Office of the Governor. [SC ST SEC 16-3-1620]

(A) The Crime Victims' Ombudsman of the Office of the Governor is created. The Crime Victims' Ombudsman is appointed by the Governor with the advice and consent of the Senate and serves at the pleasure of the Governor.

(B) The Crime Victims' Ombudsman of the Office of the Governor shall:

- (1) refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both when services are requested by crime victims or are necessary as determined by the ombudsman;
- (2) act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and victims when the need for liaison services is recognized by the ombudsman; and
- (3) review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both made to the ombudsman by victims of criminal activity within the state's jurisdiction.



SECTION 16-3-1610. Definitions. [SC ST SEC 16-3-1610] Continued

SECTION 16-3-1630. Ombudsman; responsibilities; authority; annual report. [SC ST SEC 16-3-1630]

Upon receipt of a written complaint that contains specific allegations and is signed by a victim of criminal activity within the state's jurisdiction, the ombudsman shall forward copies of the complaint to the person, program, and agency against whom it makes allegations, and conduct an inquiry into the allegations stated in the complaint.

In carrying out the inquiry, the ombudsman is authorized to request and receive information and documents from the complainant, elements of the criminal and juvenile justice systems, and victim assistance programs that are pertinent to the inquiry. Following each inquiry, the ombudsman shall issue a report verbally or in writing to the complainant and the persons or agencies that are the object of the complaint and recommendations that in the ombudsman's opinion will assist all parties. The persons or agencies that are the subject of the complaint shall respond, within a reasonable time, to the ombudsman regarding actions taken, if any, as a result of the ombudsman's report and recommendations.

The ombudsman shall prepare a public annual report, not identifying individual agencies or individuals, summarizing his activity. The annual report must be submitted directly to the Governor, General Assembly, elements of the criminal and juvenile justice systems, and victim assistance programs.

SECTION 16-3-1640. Confidentiality of information and files. [SC ST SEC 16-3-1640]

Information and files requested and received by the ombudsman are confidential and retain their confidential status at all times. Juvenile records obtained under this section may be released only in accordance with provisions of the Children's Code.

SECTION 16-3-1650. Cooperation with the criminal and juvenile justice systems and victim assistance programs. [SC ST SEC 16-3-1650]

All elements of the criminal and juvenile justice systems and victim assistance programs shall cooperate with the ombudsman in carrying out the duties described in Sections 16-3-1620 and 16-3-1630.

SECTION 16-3-1660. Grounds for dismissal. [SC ST SEC 16-3-1660]

A victim's exercise of rights granted by this article is not grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

SECTION 16-3-1670. Purpose. [SC ST SEC 16-3-1670]

This article does not create a cause of action on behalf of a person against an element of the criminal and juvenile justice systems, victim assistance programs, the State, or any agency or person responsible for the enforcement of rights and provision of services set forth in this chapter.